

RECORDER.

UNITED WE STAND

DIVIDED WE FALL

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No. 479.

From the Raleigh Register. DEBATE ON THE BANK QUESTION.

Which took place in the House of Commons, from Dec. 29, to Jan. 6.

Continued.

Mr. POTTER said, gentlemen opposed to the measure proposed, were ready to admit that the banks had been guilty of great irregularities; but insisted that the legislature had partaken of their guilt from having authorized certain of their measures, and by consenting to the rest by their agents.

The speech of the gentleman from Buncombe, with which the committee had just been favored, was but a repetition of the sentiments of the gentleman from Newbern of yesterday. He could not but feel indignant that gentlemen should take so much pains to throw the blame which ought alone to attach to the directors of the banks, upon the legislature of the state.

These gentlemen had spoken of the large amount of stock of which the state had become possessed in these institutions, for which it had paid nothing. No blame, Mr. P. said, could attach to the state on this score; whatever interest she has in the banks, was freely assigned to her by the parties.

Mr. P. objected to the course resorted to by the gentleman from Buncombe, of bringing forward arguments used in debate on the passage of the bank laws, to elucidate the meaning of those laws, instead of being governed by the plain enactments themselves. He had no doubt, from the words of the act passed in 1814, that the general assembly had no other of any thing else than specie being paid for the additional stock; and in support of this opinion referred to the evidence which had been recently given to the committee.

Many objections had been urged against the course of proceeding which he had brought forward. Amongst others, it had been said, that it would require years to bring the proposed suit to an issue—that every stockholder would have to be made a party. Which would by no means be the case. The stockholders are not known in the law. The bill will be filed against the officers of the bank who had committed the frauds charged. I would not therefore require a longer time to bring the suit to issue, than any other of an ordinary kind.

He trusted that the committee would not be deterred from acting on this subject, by objections of this nature. All that was desired by him and those who acted with him, was, that these bank directors should be made to answer to the law for their conduct. The gentleman from Buncombe had spoken of the care which our forefathers had taken, in the formation of the constitution, in order to preserve the property of men of wealth, as well as to protect the poor man against the oppression of the rich. But Mr. P. was of opinion that if our ancestors could have foreseen the existence of these overgrown monied institutions which we have at present, and the influence which the men who manage them have in the community, they would have gone still further, and prohibited all such persons from having a seat in their legislative assembly; and he had no doubt, if a constitution were now to be formed, such a provision would make a part of it.

If the legislature would join me, said Mr. P. I would be for hearing these daily violators of the law, and for placing our feet upon them.

When he offered his services to his constituents to serve them in the legislature, Mr. P. said he told them, that if they thought with him, they would not suffer an attorney to be heard in favour of the banks—he would hurl from their presence, men who should appear in the court-house to support the claims of the banks against the people.

Gentlemen might say this would be a rash course. But if the law is to be violated, it is better to preserve the country than to destroy it. And he believed, if these institutions were permitted to go on in their oppressive measures, that the people would take this course, and I he would be ready to head them in it.

Mr. P. said he should, for the present, withdraw his proposition for establishing a new bank.

Mr. WARR intended to have given a vote on this question; but he could not sit and hear such remarks as had fallen from the gentleman from Granville without noticing them.

What does the gentleman recommend? That this legislature should lay their hands upon the property of the present banks, and confiscate all the debts due to, and owing by them. And out of the wreck of this property, he wishes to establish a new bank, in aid of which the government is to borrow a million of dollars on the faith of the state.

But if the course which the gentleman recommends to be taken with the present banks, be adopted, he should not be surprised if, instead of a million, 100 dollars could not be borrowed on the faith of the state.

What else does the gentleman recommend? If his constituents will join him, he tells us, that he is ready to head them, enter the court house in his country, and hurl out of doors, any agent of the banks who shall dare to attempt to recover any of their debts from the people.

But, sir, however willing the gentleman may be to head such a mob, I am confident, from the knowledge which I have of them, that the people of Granville will have more respect for themselves and for law and order, than to join the gentleman in any such violence.

Mr. W. hoped that whatever measures might be adopted in relation to the banks, they would be such as would be creditable to the state, and such as would not render the situation of the people worse than it is at present. For his part, he believed that if the course advocated by the gentleman from Granville and Mecklenburg were to prevail, instead of our bank notes being at a discount of three, four, or five per cent. at the north, as they had for some time been, they would sink to 25 or perhaps 50 per cent. below par, and that this depreciation would produce more distress in the community than had ever yet been seen. He hoped therefore no such bill would pass.

Mr. GASTON said, that having already occupied not a little of the time of the committee, he regretted the necessity which compelled him again to address them. But for the unexpected appearance of the respectable gentleman from Mecklenburg, (Mr. Alexander,) as a coadjutor to the gentleman from Granville, this necessity would not have existed. It is true, that the gentleman from Mecklenburg has not explicitly stated the extent of the aid which he purposes to render, and Mr. G. had a perfect conviction, that he could not and did not mean to concur in the entire project. Yet (said Mr. G.) he had denied most positively certain constitutional and legal positions, which I had advanced as sound, and with equal confidence has asserted others, which I firmly believe to be most dangerous and erroneous.

The resolution before the committee, after premising that the banks had violated their charters, and committed great frauds upon the people of the state, whereby they have forfeited the powers and privileges granted in their charters, proposes, that the attorney general in behalf of the state, shall, by writ of *quo warranto*, or other legal process, prosecute a judicial inquiry into their conduct. It must be understood, and it is avowed, that the prosecution is to be carried on, in order to obtain a judicial sentence of forfeiture of the charters. There is no question but that for a gross prostitution of its powers, and a flagrant violation of its charter, judicially ascertained, in a suit instituted for that purpose, the charter of a corporation may be forfeited, and the corporation dissolved. If there could be any doubt on this point, he would refer to 1 Bl. Com. 485 and 2 Kent's Com. 251. He had previously stated, as a necessary consequence of this dissolution, an absolute extinguishment of all debts due to or from the corporation. To his surprise—to his mortification—this position had been peremptorily denied by the gentleman from Mecklenburg. Let us see with what propriety. A corporation is an artificial person, deriving existence solely from its charter, and continuing to exist so long only as the charter endures. Take away its charter, and it dies—in appropriate language, the law pronounces that a dissolution has taken place. What is a debt? A thing in action—money in the hands of one person—whereby another is entitled to demand by suit. When a corporation dies, it cannot be sued. There can be no action without a defendant. There can be no process served—no legal demand advanced—no defence made—no trial had—no judgment rendered. A-

gainst the corporation, therefore, which, after dissolution, is as though it never had been, there can be no action. Can you proceed against the individuals who formerly composed the corporate body? As individuals they owed nothing, and a debt can only be demanded from the debtors. But it is unnecessary to argue this on principle, since it is clearly settled by authority. It will be enough to cite the case of *Edwards v. Brown & Sillard*, 1 Ld. 237. As the debts due from the corporation are extinguished by its dissolution, those due to it must be extinguished also. It would be monstrous, if dissolution destroyed its obligations, but kept alive its rights—if it were absolved from all it owed, but could demand what was due to it—if it could recover debts, but could be compelled to pay none. The corporation cannot sue, for there is no corporation—and the individuals cannot sue, for they have no claim.

The language of the elementary and authoritative writers on this subject, is too perspicuous to be misunderstood. "A body politic," says Blackstone, "may be dissolved in several ways, which dissolution is the civil death of the corporation, and in this case, their lands shall revert to the person or his heirs who granted them. The debts of a corporation, either to or from it, are totally extinguished by its dissolution, so that its members thereof cannot recover, or be charged with them in their natural capacities." 1 Com. 484. The distinguished American jurist, Chancellor Kent, lays it down in his *commentaries* (vol. 2 pages 245, 246,) that a corporation may be dissolved by a forfeiture of its franchises, judicially ascertained—that the dissolution of a corporation is its civil death—and that, "according to the settled law of the land, upon the civil death of a corporation, all its real estate, remaining unsold, reverts back to the original grantor and his heirs—the debts due to and from the corporation, are all extinguished—neither the stockholders nor the directors of the corporation can recover those debts, or be charged with them in their natural capacity—all the personal estate of the corporation vests in the people, as succeeding to this right and prerogative of the crown at common law." The distinction taken between the three kinds of property which may belong to a corporation—lands, personal chattels, and debts—is so manifest, and the analogous principles of law, which illustrate the distinction, are so obvious, that it is most extraordinary how any professional gentleman could fail to perceive it. Land, which is regarded as a permanent enduring nature, may be granted for life. Land conveyed to a corporation is only granted during the continuance, or the life of the corporation—to the members thereof and their successors and assigns." This life may endure forever, but whenever it is determined by the dissolution of the body politic, the land reverts to the grantor, as in every case of a grant for life. Personal chattels cannot be granted for life only. They are regarded as a transitory, perishable nature, and a gift of them for life, passes the entire ownership, and leaves no residuary estate vested or contingent in the giver. When a corporation is dissolved, therefore, its chattels would be entirely without an owner, liable to be seized by the first occupant, and to become the subject of general strife, if the law did not vest them in the sovereign. But as to its debts—as to money in the hands of individuals, which the corporation may claim at law—when that corporation dies, the money must remain in the hands of the debtors, because there is no creditor in existence.

I know, said Mr. G. that the gentleman from Mecklenburg has become convinced that his denial of the position that the debts are extinguished by a dissolution, was hasty and incorrect. How much it is to be regretted that, on a subject fraught with such momentous consequences, crude and erroneous doctrines should be so rashly advanced, and sanctioned by his respectable authority! But the gentleman has, with perfect confidence, asserted, that even were an extinguishment of the debts the regular consequence of a dissolution, it is competent for this legislature to prevent such a consequence from the judgment of forfeiture, by enacting that, instead thereof, they shall be seized and placed at the disposal of the state. This doctrine appeared to Mr. G. not only as unfounded as that which had just been examined, but utterly repugnant to the genius of

our institutions, proscribed by the express enactments of the federal and state constitutions, and leading inevitably to results which no friend to freedom or the stability of property could contemplate without horror.

And how was this bold position attempted to be sustained?—The committee had been reminded of the various acts of the legislature passed during the revolutionary struggle, usually called the confiscation laws, by which the property of those who refused allegiance to the state was disposed of to the use of the state. Every step taken in this discussion shows the hardy temerity of those who are bent upon this prosecution. Facts are advanced upon supposition, and legal doctrines quoted which have never been studied. Can it be possible that the gentleman from Mecklenburg has never read, or has totally forgotten the case of *Farrise v. Simpson* and *Benzen v. Lenoir*, decided in our Court of Conference, and published in Conference Reports? If so, let him permit an old friend to intimate him to read attentively the opinion of Judge Johnston, a distinguished patriot of the revolution, and a no less distinguished member of congress that framed the constitution, and he will see the true principles of the authority which the legislature experienced in the confiscation acts. When the people of North Carolina had thrown off the British yoke, they assembled in congress to form a constitution. This congress "clothed with all the powers of the people and invested with all their rights, restrained by no law and unswayed by any authority, in the plenitude of their power," they declared all the land within certain specified boundaries to be the right and property of the people of this state, reserving to individuals, members of that collective body, such portions of it as they held or claimed by former titles or possessions. There

were at that time certain persons inhabitants of this state formerly, fellow subjects with its citizens, who did not accede to the revolution, and formed no part of this collective body, but who by the law of nations and the sacred principles of humanity, had a right to remove themselves and to dispose of their property. But this property was by the declaration of rights vested in that state, and of course, like all other public property, was subject to the disposition of the legislature, under such limitations and restrictions as they might deem proper. By the first of the confiscation acts, liberty was given to all those persons to sell this property, and to appoint attorneys to make sales for them. By an act passed at a subsequent session, it was enacted that all this property (except of course what had been sold under the former law) which had vested in the collective body of the people, should be "confiscated to the use of the state," unless every such person should within a limited time come forward in the mode prescribed, "and be admitted to the privilege of a citizen of the state, and (mark the peculiar and emphatic language) restored to the possessions and property which to him once belonged within the same. Did the sages of that day imagine that they had a right to confiscate the property of citizens? Let the gentleman attend to the language of the same venerable judge. By the bill of rights and the constitution, the property of individual citizens, "is placed out of the power of the collective body of the people—no act of their representatives in the general assembly could impair their titles—any act which might be unadvisedly or arbitrarily made to that purpose would be a mere nullity—the bill of rights is paramount to acts of the assembly, and exercises a controlling power over them as often as they exceed the bounds prescribed by that instrument, which should ever be held sacred and inviolable, as the best security of our rights against the assumption of tyranny—such an act ought not to have any weight or influence in a Court of Judicature."—*Conference Reports*, 258, 259.

An act passed in the year 1786, "to bring to condign punishment, &c. certain persons therein described," is referred to as proof that the legislature may now provide that the forfeiture of the charter of a corporation by reason of past misconduct shall not be visited with the penalty which the law then attached to the deed, but with a different penalty now first to be denounced. If the act referred to sanctioned such principles, it would merit a severe and full examination—and it might then appear

to contain provisions unadvisedly made under the influence of honest excitement, repugnant to constitutional principles, and therefore not entitled to weight in a Court of Judicature, or to serve as a precedent for subsequent legislation. But it sanctions no such doctrine. It directs a court to be held for the trial of persons accused of certain crimes, but leaves the punishment of these crimes to the law—such as it was when the crimes were committed. It lays down no new rule for judicial decision to be applied to acts already done, but raises a court and invests it with jurisdiction to try the character of those acts and apply thereto the antecedent and still existing law.

It prohibits future acts to be done by the parties accused, such as flight or alienation of their property—and prescribes penalties for a breach of these prohibitions. But however strong its language—however questionable some of its enactments when tested by the constitution—it furnishes no precedent for this doctrine of retrospective law-making. The doctrine is new in North Carolina, and if it can be now established this legislature may justly claim the high infamy of being the first to introduce into our free code, one of the most abominable practices of exploded tyranny.

The detestable Colligula wrote his laws in small characters and hung them up upon high pillars, so as to render it difficult for the people to discover the penalties to which they were made liable; and for this atrocious tyranny his name has been handed down with execrations to an indignant posterity. But even he did prescribe the penalty before the deed. It was possible to know the law and the consequences of its violation, and although the citizen might be ensnared, he was not kept in necessary ignorance. But a law fixing the penal consequences of an act, after the act

done, is an absurdity in terms. The very nature of society forbids it—the eternal principles of justice stamp it with reprobation, and the genius of freedom mocks at its impotent and insolent claims to respect. "The legislative and judicial powers," thus speaks our bill of rights, "ought to be forever separate and distinct."—It is the province of the legislative power to lay down the rule of conduct—it is the right and duty of the judicial power to apply the rule. Under the pretence of legislation, to order the courts to pronounce a sentence which the rule previously given does not justify, is an act of flagrant usurpation. "No free man ought to be taken, imprisoned or disseised of his freehold, liberties or privileges, or in any manner destroyed or deprived of his life, liberty or property, but by the law of the land."—Sec. 12. If a definition of the law of the land be wanted, it will be found in the cases of the *University v. Fay*, 3 Hay, 310-374, and *Robinson v. Barfield*, 3 Mur. 390, but pertinent, uniform and universal rule of action previously laid down for the government of the conduct of the citizen. "A particular act of the legislature to confiscate the goods of Titius does not enter into the idea of a law; for the operation of this act is spent upon him only, and has no relation to the community in general—it is rather a sentence than a law."

1 Bl. Com. 44. "All laws should be made to commence in future, and be notified before their commencement, which is implied in the term prescribed."—Id. 46. "No State," says the constitution of the United States, Art. 1. Sec. 10, "shall pass any *ex post facto* law, or law impairing the obligation of contracts." By a tacit condition annexed to the creation of a corporation, its charter may be forfeited, and its existence terminated by a judicial decision that it has abused its franchises. But the consequence of this penalty which the law has imposed, would be ruinous to the state—one of the corporators, and the gentleman would therefore substitute, by a legislative mandate to the courts, a different sentence—a sentence of confiscation. And this he would do after the alleged abuse committed. If this be not an *ex post facto* law, what would be such an act?

It is readily admitted, that, as the object of this prohibition is the protection of the citizen, a law lessening the penalty for a past crime, would not come within its purview. The state, which may claim the exaction of the whole penalty, can, at any time before punishment, remit the whole or any part of it. But the substitution of confiscation to the state, of all the lands, effects and

credits of the corporation, as a consequence of a dissolution of the charter, is the enactment of an entirely distinct penalty, at least equally severe, with respect to the body politic, as that which the law now attaches—and with respect to many of the corporators, far more severe. Several of these are debtors to the bank. They may indeed lose their stock by a dissolution, but then they are partially indemnified by being released from their debts. But if this retrospective enactment be valid, they must lose their stock and pay their debts besides. Such an enactment would be a violation of the faith of contracts. The charter is a contract, the obligation of which the state is not permitted to impair. A tacit condition annexed to the charter is, that for a gross violation of franchises, judicially ascertained, the body politic shall be dissolved—all its lands shall revert to those from whom they came, and all the debts, due to and from it, shall be extinguished. The state is a member of the corporation—the largest stockholder. Upon this condition, it granted the charter, and upon this condition, it also became an associate in the company. It may insist on this condition, and thus share the lot of the other corporators, but it cannot substitute different conditions from those agreed upon, by which it shall not only escape from the common fate of the stockholders, but enrich itself by the ruin of their companions. Let gentlemen but examine with attention the celebrated case of the Dartmouth College, decided in the Supreme Court of the United States, and reported in the 4th of *Wheaton*, and it will be impossible for them to maintain any longer the extravagant doctrine contended for. It should be remembered, too, that this Supreme Court of the United States will have to pronounce, in the last resort, upon this very doctrine. While indeed, our own courts are distinguished by the virtue, the learning, and the firmness which now characterize them, a necessity for such a resort can never exist. They will uphold the sacred principles of constitutional law, unimpaired by clamor, untroubled by the apprehension of legislative displeasure. But if, what I sometimes fear, it is designed by another bill which is before the house, to drive from the bench the eminent, and able, and independent magistrates who now adorn it, and to fill their places with ignorance, rashness and subservience to legislative will, even this desperate design, however completely executed, can avail nothing. For a judgment of the highest court of a state, in any suit, where is drawn in question the validity of a state statute, on the ground of its repugnancy to the constitution of the United States, and where the decision is in favor of the validity of such statute, may be re-examined by writ of error, and reversed or affirmed, in the Supreme Court of the union. The principles which will govern the decision of that high tribunal, are too clearly and authoritatively pronounced, in the case referred to, to leave a doubt of the result.

But, sir, said Mr. G. I do acquit the gentleman from Mendenhall of any intention of placing the contents of the bank, against which his efforts are mainly directed, in the hands of the legislature, trusting that they would dispose of them with proper regard to the principles of right, and hoping thereby to prevent the debtors from being pressed too eagerly for the payment of what they owe. Let me, however, conjure him to reflect, anxiously, again and again, upon every step in this tremendous expedition, before he ventures to execute it. The file affords no precedent. I have never been tried before. A failure may be utter ruin. He must see that some of his notions were crude and erroneous, and he ought to distrust the correctness of others. Should the consequences be such as I predict, and such in the sincerity of my heart I believe they will be—the gentleman to the last moment of his life, will rue the day in which he lent his agency to produce them.

Mr. G. said, that he had now done with the examination of the legal question into which he had been drawn by the argument of the gentleman from Mendenhall. He was thoroughly satisfied himself, and trusted that he had proved to the committee, that a judicial sentence of forfeiture of charter must be followed by an extinguishment of all debts due to or from the banks. There were some other topics connected with this subject, on which he would ask the further attention of the committee. Something had been said of a practice which prevailed at some of the offices of the State Bank, of calculating interest for ninety-two days, on a note made payable eighty-eight days after the day of its discount, and this had been stigmatized as *usu v.* Is it possible that gentlemen should so misunderstand this usage, or be ignorant of the actual jurisdiction of our own Supreme Court upon this very objection? On every such note, three days of grace were allowed for payment, after the day of payment stipulated in the note. The note was therefore, in fact, payable at the end of ninety-two days after the day on which it was discounted. But the borrower had the use of money on the day of its date—that is, for ninety-two days,

and this being the term of forbearance, the bank deducted the interest for that term. Whether this practice was usual or not, was a question distinctly presented for adjudication in our Supreme Court, in the case of *State Bank v. Hunter*, reported in *1 Bdg. and Dues's Repts. 99*, and the practice was declared to be legal.

There had been no act or omission on the part of these institutions, which he considered so reprehensible in its nature, or so mischievous in its consequences, as the want of punctuality in redeeming their issues. By suspending specie payments, the only effectual check upon redundant issues—the criterion by which to judge of the fair demands of business—and the standard by which to regulate collections—was lost. Punctuality in making payments ought to be the point of honor with banks, as much as courage in a soldier, or chastity in a woman. Here was the only serious ground of complaint against these institutions, and however the state and the community—public feelings and the impetuosity of debtors—however truly they all come in of a full share of the blame, yet there was most serious cause of censure. But it was to be remarked, that in the proposed prosecution, a failure on the part of the banks to pay their notes on demand, could not be assigned as a violation of charter, or a cause of forfeiture. It was indeed a violation of promise, and as such, subjected to be sued. The charters contained no provision whatever upon the subject. The banks were under no further or other legal obligation to pay the demands upon them than that which the law imposed upon every individual of the community, and of course a breach of this obligation could expose them to no severer legal penalty than that which the law of the land inflicted on every unpunctual debtor. It may be more injurious to the credit of a bank—it may more extensively injure the community, for a banking institution to evade or deny payment of its debts, than for an individual or any other body politic, but it is in all precisely the same breach of duty; and where the law has made no distinction, it must in all, be prevented or redressed, by precisely the same remedies.

The object of this proposed quo warranto or "other legal process," is, not the redress of individual injury, nor the punishment of offending individuals. Is there a man in the community who has suffered wrong at the hands of any of these institutions? The courts of justice are open to hear his complaints, and our laws are strong enough to command for him complete relief. Let it not be objected that these may be poor men, for our benevolent code has provided, that in such cases they may sue without cost. Have the officers committed any trespass against the public morality, or the public policy of the country? Let the offenders be brought forward to receive their merited punishment. But do not, in a paroxysm of passion, visit their sins upon the country—upon the public institutions—he innocent—the helpless—and the destitute. Dissolve the charter—and your state—your university—your academies—your charitable institutions—your widow and the orphan—are stripped of their stock—while the supposed offenders, perhaps no longer stockholders, or owing debts far transcending the amount of their stock, are, by an extinguishment of these debts, rewarded for their very misdeeds.

Sir, said Mr. G. I can see nothing gratifying in any result of this proposed prosecution. Defeat will be disgraceful. Victory will be ruin. The difficulties attending the prosecution are infinitely greater than is anticipated by the rash and inconsiderate vengeance of those who urge on this measure. The mode of proceeding is unknown in our usages. A quo warranto to vacate a charter or a scire facias to repeal it, has never been brought in North Carolina. It is doubted, and justly doubted, whether an information in nature of a quo warranto will lie in this state, for our constitution requires that all criminal proceedings shall commence by presentment or indictment of a grand jury. Every step that may be taken in this pathless wild, will present to the counsel for the state unexpected obstacles and unforeseen difficulties. When facts are to be established in a court of justice, the bold conjectures here indulged, and the loose evidence here received, will not avail one whit to prove them; and when specific causes of forfeiture are to be judicially made out, empty declamation, bitter invective, rhetorical flourish and offensive insinuation, however weighty here, will pass by unheeded as the idle wind. Those who are entrusted with the management of these institutions, and with the mighty interests at stake in them, as surely will neglect no legal means of averting the threatened mischief. The public sentiment, too, when the public shall see the consequences of a conviction, will inevitably take side with the accused—and in all probability, although the legislature shall have prejudged the cause—have proclaimed the guilt of the accused—ordered the prosecution—no prescribed the sentence—yet a vast expense, great delay, and infinite public confusion, the inevitable accompaniment will terminate in a miserable failure.

Disgraceful as would be such a result, yet success is far more to be deprecated. Yes, sir, victory will be ruin. Let a forfeiture of charters be judicially established—the corporations dissolved—and the debts both to and from the banks extinguished, and who can imagine the wide-spread misery which would ensue? The wealth of these institutions consists essentially of the debts due them. These destroyed, the stock becomes worthless. Not only innocent individuals, some of them widows and orphans, whose sole property may be their stock, are stripped of the means of subsistence—but your literary fund for the education of the poor—your fund for internal improvement—the great mass of your productive revenue, the \$700,000 of stock which you hold in these banks, is at once annihilated. Should you attempt to supply the place of this source of revenue by taxation, the taxes will be paid you in the notes of these defunct corporations, which you are bound, by your pledged faith when you chartered the banks, to receive in payment of all public dues. What will these notes be worth? Not only not redeemable in specie—but binding no body for the payment—and representing no funds whatever, they will literally be worth to you nothing. But a most notable expedient is suggested, to impart value to them; and that is, by the governor's issuing a proclamation pledging the faith of the state for their payment. The value of a promise to pay when the promiser may please—and not till then—and where no interest accrues from delay of performance—has never yet been precisely ascertained. The nearest approach to it was made by our act of 1783, entitled "An act for establishing a scale of depreciation," in which it was among other things enacted, that our Spanish milled dollar shall be of the value of eight shillings specie, and eight hundred dollars of the paper currency of this state shall be valued at one Spanish milled dollar. Possibly your governor's proclamation, promising a redemption at some undefined time, may raise these notes to an equality in value with this ancient paper currency—More cannot rationally be expected from its efficacy. And is this million and a half of bank notes, thus rendered worthless, really to be paid by the state? If the governor, by our authority, issues such a proclamation, it must be paid, or North Carolina becomes a by-word and reproach among her sister states. And whence shall we get the means—where is our fund? In this career of victory, not only will you triumph over impoverished citizens, ruined institutions, and a beggared country, but you will trample under foot all the venerable principles and usages of civil liberty. By the bill before you, the commissioners for executing your plan of confiscation are clothed with powers unheard of in a country claiming to be free. Travelling through the state, or fixing their high court of commission where they please, itinerant or stationary inquisitors, call before them whom they will—administer whatever oaths they choose—seize whatever property they may demand—imprison whomsoever they deem contumacious—and to effect these purposes, are to have at their command the civil and military power of the state! And all this is—for what? To show your courage? To show what you dare do? If this be courage, it is the courage of the maddened animal, with closing its eyes and bending down its head, rushes furiously upon certain destruction. If this be courage, what is frantic passion, what is insanity? It cannot be that such projects shall ever receive the sanction of the legislature of North Carolina. But if they should—there is a redeeming spirit in the people who will be manifested from one end of the state to the other, and call us back, before it is too late, to undo the mischievous work we shall have performed.

(To be continued.)

"Banks in North Carolina—This seen has been, and still continues to be, in a very singular condition in relation to her banks. The last legislature took up the subject of the banks—brought a hot battle—could not agree on any thing—and separated in a huff. The matter, however, did not end here. Since the legislature adjourned, the banks have been taken up by the grand juries, and discussed with serious views and queer feelings. After despatching the rogues, thieves, murderers, and nuisances, they generally ended by investigating all the banks of the state. Some of these grand juries recommended an extra meeting of the legislature—others opposed that movement as inexpedient. One of the grand juries lay all their difficulties at the door of the "habits of extravagance," &c. Have they any quarrels and fancy balls in North Carolina?"

The above, as the reader may have guessed, is from Noah's New York Enquirer. We are happy to set the worthy Major right. Our legislature did agree, that they would not bring ruin and disgrace on the state, by following the councils of violent and inconsiderate men. They did agree to leave the matter in no worse a condition than they found it. The "hot battle" showed that there was wisdom enough in our legislature to keep the ship off the rocks on

which inexperienced pilots would have driven her. Can Major Noah say as much for the legislature of his own state? Let the notable plan just adopted testify.

We are happy to assure the Major that we have not yet arrived at such a pitch of refinement as to have either masquerades or fancy balls.

Frederickville, Va.

A HORRIBLE DEVELOPMENT.

Wilmington, (Del.) April 17.

The Murders in Sussex.—We stated briefly in our paper of Friday last, some circumstances respecting a most diabolical course of conduct which, for some years past, has been carried on in Sussex county, in this state, the evidences of which have just been brought to light; and promise, in our next number, to give further particulars. This promise we failed to perform; one reason for which was that a family affliction called our attention to the consideration of other things, and another was that as the court was then commencing its session, at which the examination into the circumstances was to be made, it would be better to omit saying any thing further upon the subject until after the trial would be likely to be ended. This we presume is now the case; and although we are ignorant of the result of the trial, we proceed to redeem our promise so far as we have it in our power.

From our correspondent's account we gather the following particulars: About ten days previous to his writing, a tenant, who lives on the farm where Patty Cannon and her son-in-law, the celebrated Joe Johnson, negro trader, live for many years, in North West Fork Hundred, near the Maryland line, was ploughing in the field, in a place generally covered with water, and where a heap of brush has been laying for years, when his horse sunk in a grave, and on digging, he found a blue painted chest, about three feet long, and in it the bones of a man. The news flew like wild fire, and people from many miles around, visited the place; among whom it was universally agreed that a negro trader from Georgia, name B. H. or Miller, or perhaps both, had been murdered, by Johnson and his gang, about 10 or 12 years ago, and that the bones now discovered were those of one of them; as the man or men had been mixed about that time, and the horse on which one of them rode was found at Patty Cannon's, who laid claim to the animal, until a person from Maryland, who had lent the horse, came forward and claimed his property; and she alleged, at the time, that B. H. or Miller had sailed a short time previous, with a cargo of negroes for the South.

Since that time he has not been heard of, and it is said that a few days before he was missed, he was heard to say that he had with him fifteen thousand dollars with which he purposed to purchase negroes. The supposition now is that the knowledge of his having this money in his possession, formed the inducement to take his life, and that to conceal the body it had been deposited in the place where the bones have been found.

The excitement produced by this discovery, as may naturally be supposed, was very great in the neighborhood; and on the 21st instant, one of Johnson's gang, named Cyrus Jones, who has resided in Maryland, was caught in this state, and brought before a justice of the peace at Seaford, and on examination stated that Joseph Johnson, Ebenezer F. Johnson and old Patty Cannon had shown the man while at supper in her house, and that he saw them all engaged in carrying him in the chest and burying him; and stated, moreover, that many others also had been killed, and that he could show where they had been buried. The officers and citizens accordingly accompanied him to the places which he pointed out, and made the necessary search. In one place in a garden they dug and found the body of a young child, the mother of which, he stated, was a negro woman belonging to Patty Cannon, which, being a mulatto, she had killed for the reason that she supposed its father to be one of her own family. Another place, a few feet distant, was then pointed out, when upon digging a few feet, two oak boxes were found, each of which contained human bones. Those in one of them had been those of a person about seven years of age, which James said he saw Patty Cannon knock in the head with a billet of wood, and the other contained those of one whom he said they considered had property, by which it is supposed was meant, that he was free. As there was at the time much stir about the children, and there was no convenient opportunity to send them away, they were murdered to prevent discovery. On examining the skull-bone of the largest child, it was discovered to have been broken—as described by James.

This fellow Jones, was raised by Patty Cannon, having been bound to her at the age of seven years, and is said to have done much mischief in his time for her and Johnson.

Another witness by the name of Butler had already been secured; and it is thought that some others will be brought forward who are acquainted with the bloody deeds of Patty and Joe. This woman is now between 60 and 70 years of age, and looks more like a man than a woman; but old as she is, she is believed to be as heedless and heartless as the most abandoned wretch that breathes.

As stated by us on Friday last, Patty Cannon had been lodged in the jail at Georgetown. James and Butler were also placed there at the same time, and it is highly probable that ere this the trial has taken place, and the result of it will soon be known.

James stated that he had not shown all the places where murdered bodies had been buried, and at the time of writing, our correspondent informs us the people were still digging.

Joe Johnson, who is said to be residing at this time in Alabama, is stated to have been seen in this state in Dec. of January last; and the probability is that his business here was to do something of his old business of kidnapping. He was convicted of this crime some years since at Georgetown, and suffered the punishment of the lash and the pillory on account of it. He is a man of some celebrity, having, for many years, carried on the traffic of stealing and selling negroes, in which he was aided and instructed by the old hag, Patty Cannon, whose daughter he married; after she had lost a former husband on the gallows. He continued to reside near his tutors until within a few years, when a reward of \$500 was offered by M. Watson, mayor of Philadelphia, who having obtained information of the fact, before any others in his neighborhood, he suddenly decamped, and has since been very cautious in suffering himself to be seen in that part of the country.

The former husband of Joe's wife was hung for the murder of a negro trader, the plan for which is said to have been arranged at her mother's house.

From the circumstances which have already taken place, it would appear probable that such developments may be expected to take place as will present the wretched actors in the scenes of blood which have taken place on the borders of our state in Sussex county, as successful rivals in depravity of the infamous Burke, whose bloody deeds and recent execution in Scotland have occupied so large a portion of the public prints.

Delaware Gazette.

The National Intelligencer.

Published in the City of Washington, By GALE & SEATON.

THE National Intelligencer is an old established journal, at the seat of the general government. It publishes, originally, regularly and fully, the proceedings and debates of congress; also all the state papers and documents of public interest, laid before congress or originating in that body, and all the acts passed by them. These recommendations, in addition to a variety of other information which is to be found in its columns, connected with the general interests of our own country, with literature and science, and the affairs of the world at large; together with the character of general fairness which the paper has sustained under its present editors for many years, make the National Intelligencer useful, and even valuable, to all who feel an interest in the concerns of this or of other countries.

The National Intelligencer is not a party paper, but censures or approves where censure or approbation seems to be due to public measures. It supported the late administration of the general government, when the measures of that administration were such as to meet its approbation. It avows a determination, though it opposed the election of Gen. Jackson, to support the just measures of this administration, but as certainly to oppose the unjust or the oppressive. It will be, in principle, opposed to any administration of the government whose measures shall show it to have the interests of a party at heart, rather than the great interests of the country. It is, in a word, what its title denotes, a National paper.

For the independent and impartial course which it has pursued, the National Intelligencer has been denounced, and an attempt has been made to put it down, right or wrong, by the strong arm of power directed by caucus agency. The attempt is as vain as it would be for any modern prophet to bid the sun stand still. Thirty years old, this National paper is not yet in its prime, but acquires strength and power with every day of its existence.

Without having ever sought for popularity, or courted public patronage, the National Intelligencer enjoys already the widest circulation of any newspaper in the United States. It is read in every state and territory in the country. It is read in every capital in Europe, and possesses sources of information exceeded by no other journal.

For the first time, an effort is made to enlarge the subscription to it by sending forth this prospectus, which our adversaries in politics are expected to deal so generously with as to let it be seen, and our friends so kindly as to further our purpose with their aid and countenance. Heretofore we have hardly wished to enlarge our subscription list. Intending hereafter, however, to devote ourselves wholly to the newspaper, and to a proper improvement of "the condition of the press," we invite such farther subscriptions, as, being punctually paid, will remunerate our labor and expenses.

The National Intelligencer is published daily, at ten dollars per annum, payable in advance. It is published, also, for the more convenient circulation where a daily mail does not penetrate, three times a week, at six dollars per annum, payable in advance. A remittance of either of these amounts in bank paper, by mail, will ensure the prompt and regular transmission of every paper that may be ordered.

Those subscribing will please to signify whether they desire the paper for a year only, and then to be stopped without farther notice, or wish it to be continued until countermanded.

Washington, March 5.

NO CREDIT.

SCARLETT & BACON

WOULD inform the public, that they still continue their BOOT and SHOE Manufacture at their old stand, three doors west of the store of Messrs. Kirkland & Son, where they will keep constantly on hand, a general assortment of

Boots and Shoes,

of the best materials and workmanship, which will be sold low for cash. Those wishing to purchase will do well to call and examine for themselves.

Jan. 6.

BLANKS for sale at this Office.

Late from England.

IMPORTANT.

[New York, April 16.]

The William Byrnes, which sailed from Liverpool 8th of March, is below; and, although our papers are not yet up, we have had the good fortune to come into possession of the London Courier of the 6th, which contains the outlines of the

PLAN FOR CATHOLIC EMANCIPATION.

I was introduced in the house of commons on the 5th, by the R. Hon. Secretary Peel, one of his majesty's ministers, who accompanied it with a brilliant speech, which occupied more than thirteen columns in the London Courier. The following are the outlines of the plan:

1. Its basis is the removal from the Roman Catholics of civil disabilities, and the equalization of political rights.
2. Roman Catholics are to be admitted into both houses of parliament.
There are to be no restrictions as to numbers.

Catholics becoming members of either house are to take an oath to support and defend the succession of the crown—abjuring the sentiment that princes excommunicated by the pope may be deposed and murdered by their subjects—denying the right of the pope to any civil jurisdiction in the British kingdom—disavowing, and solemnly abjuring any intention to subvert the present church establishment as settled by law, &c. &c.

3. Roman Catholics are to be incapable of holding the office of lord chancellor, or of lord lieutenant of Ireland.

4. They may hold all corporate offices—may be sheriffs and judges.

5. But they are not to hold places belonging to the Established Church; the Ecclesiastical Courts, or Ecclesiastical Foundations, nor any office in the Universities, the Colleges of Eton, Winchester, and Westminster; nor any school of Ecclesiastical Foundation. The laws relative to Roman Catholic rights of presentation are to be retained in cases where any Roman Catholic shall hold an office with which church patronage is connected. The Crown is to have the power of transferring the patronage. No Roman Catholic to hold any office to advise the Crown in the appointment of officers connected with the Established Church of England and Ireland.

6. The existing Penal Laws affecting Roman Catholics are to be repealed.

7. Roman Catholics are to be put with respect to property, on a footing with Dissenters.

8. Catholic members of Parliament are not to be obliged to quit the house upon any particular question. (Mr. Wilmot Horton's suggestion upon this subject is held to be objectionable.)

9. There is no declaration required against Transubstantiation.

10. Upon the subject of Ecclesiastical Securities, the Roman Catholics are to be placed on the footing of all other dissenters.

11. There is not to be any Veto; nor is there to be any interference with the intercourse in spiritual matters between the Roman Catholic Church and the See of Rome.

12. The episcopal titles and names, now in use in the church of England, are not to be assumed by the members of the Roman Catholic Church.

13. When the Roman Catholics are admitted to corporate or other offices, the insignia of such offices are in no case to be taken to any other place of worship than the Established church. No robes of office are to be worn in any other than the established church.

14. The Jesuits and Monastic communities.—The names and numbers of the individuals belonging to the existing communities are to be registered.—Communities bound by religious monastic vows are not to be extended, and provision is to be made against the future entrance into this country of the order of Jesuits.—The Jesuits now are to be registered.

15. Elective franchise.—Forty shilling freeholders. The elective franchise is proposed to be raised from forty shillings to ten pounds. Freeholders are to be registered, and the registry is to be taken before the Assistant Registrar of the Irish counties, with power of appeal in certain cases from his decision to a higher tribunal.

The house adjourned at a quarter to one o'clock on Friday morning; and yet so intense was the interest excited, that, mingled with the calls for adjournment, was heard "Go on, go on!" At four o'clock on Friday afternoon the house again met, and after a great number of petitions had been presented for and against the emancipation of the Catholics, Mr. Agar Ellis moved "the order of the day for the resumption of the adjourned debate of last night," which was carried—ayes 205, noes 75; majority 130. A long debate ensued, in which Mr. C. Grant, Mr. Brougham, Mr. Huskisson, Mr. Peel, and others, took part. Mr. Grant said it was a great day for England—a great day for Ireland—a great day for his right honorable friend (Mr. Secretary Peel)—a great day for freedom and common sense throughout the world—when a British minister proposed to a British house of commons concession to the Catholics of Ireland.

THE DECISION.—At a late hour, the gallery was cleared for a division. The eyes went into the lobby.

Mr. Peel then addressed them, briefly observing, that it was his intention to move the resolutions in committee, and requesting, therefore, they would not separate. The intimation was received with loud cheers. The numbers were as follows:

For Mr. Peel's resolutions 348
Against them 160

Majority in favor of ministers 188
The house having resolved itself into a committee of the whole house,

in conformity with the decision above named, the resolutions were moved and agreed to, and the report ordered to be received on Monday. The house at three o'clock on Saturday morning adjourned.

[These particulars are from the third edition of the Courier, dated Saturday morning, (March 7th,) at 4 o'clock.]

O'CONNELL.—The Clare election committee assembled this morning, and came to the resolution that Daniel O'Connell, esq. had been duly elected for the county of Clare, but that the petitions against his return were not frivolous.

Frontiers of Russia, Feb. 12.
—A Polish park of artillery is said to have been sent to the principalities, and that more artillery from Poland will follow. The military department in the kingdom of Poland is very active, and the preparations in the Russian army for the next campaign, which seems inevitable, are prosecuted with great vigor. Several officers, holding high situations in the principalities, seem to have been dismissed since the removal of Count Pahlen.

Allgemeine Zeitung, Feb. 27.

Important from the Mediterranean.

We have it from a source which is entitled to the fullest confidence, that in the early part of December, David Offey, esq. American consul at Smyrna, proceeded to Constantinople, to negotiate a passage for the U. S. sloop of war Fairfield, Capt. Parker, to that city, having a gentleman on board who was the bearer of a treaty to be entered into between the American government and the Porte. His purpose was not known, but the importance attached to it by Commodore Crang, may be inferred from the fact, that, though in feeble health, he left his flag-ship and went on board for the purpose of accompanying the embassy to Constantinople. On the 14th Dec. the Fairfield was at the mouth of the Dardanelles; and as soon as permission was requested, would go up to the "famous city."

This explains the rumors which have been circulating through the English and French papers, relative to negotiations between the American government and Turkey. One report says that the Porte were endeavoring to secure the co-operation of the American navy in the war against Russia; and another, that the basis of the treaty submitted by Mr. Offey, was the free navigation of the Dardanelles to all nations. These reports may be true; but we shall better know the nature and results of the treaty, when they are officially announced. That a treaty of some kind has been in the process of negotiation, is beyond a doubt.

N. Y. Jour. of Com.

EDITORIAL TROUBLE.

The last number of the Detroit (Michigan) G. Zetter, is dated "Wayne County Jail," where John P. Sheldon, the conductor of that paper, has his present residence, on account of some contempt of the Supreme Court which does not clearly appear in the columns of the print itself. He had been indicted in the sum of one hundred dollars, with the cost of prosecution, in consequence of his offence, and the sentence of the court was, that he should stand committed till the same be paid.

After hearing the sentence, the editor remarked that he had formed the determination to go to prison, and there to remain until the hairs of his head were as white as the walls of the court room (the walls were probably white-washed) before he would pay any part of the fine. He was accordingly escorted to his new lodgings. Before sunset, however, the citizens of the place, to the number of three hundred, assembled, and having selected a chairman and secretary, proceeded to draw up certain resolutions expressing their indignation at what they considered the violated rights of a free citizen. They then appointed a committee to receive subscriptions from the inhabitants of Detroit, to be applied to the payment of the fine and costs for which J. P. Sheldon is now imprisoned, and thus separated from his wife and children, and that the surplus be appropriated to defray the expenses incurred by H. L. B. B. printer of the G. Zetter, in the suit against him involving the same principles. That every person so disposed might have an opportunity of contributing to the release of the editor, it was declared that no individual should be allowed to pay a sum exceeding twelve and a half cents.

The proceedings growing out of this prosecution did not end here. On the succeeding Saturday, about three hundred citizens assembled and partook of a public dinner at the jail. A great many toasts were given, and many songs sung. Of the former we select a few, which indicate the feelings of the party.

The Press.—The mouth-piece of freemen—how strong must be the hand that would muzzle it—how weak the head that would conceive such a project.

Naturalized Citizens.—We came here to enjoy the liberty of speech and of the press. Who shall rob us of either?

A Jury Trial.—Our fathers fought for it—and we will never relinquish it while we have life.

In those days it came to pass, that John, the centurion, was imprisoned for contempt of court; and the people were amazed, and sympathized with John, and did divers things to cheer his heart.

American Principles.—They will be maintained even in an American jail.

HILLSBOROUGH.

Wednesday, April 29.

Henry Lee, of Virginia, has been appointed by the President, consul general of the United States at Algiers.

Dabney S. Carr, to be naval officer for the port of Baltimore.

Frost.—On Sunday night last we were visited by a severe frost, which cut off much of our fruit, and many of the tender vegetables in our gardens. About town, more than nineteen twentieths of the peaches we believe have been killed. In some neighborhoods we understand, however, that the damage has been less destructive.

Edmund Deberry, esq. of Montgomery county, late a senator in the state legislature, is announced in the last Fayetteville Observer as a candidate to represent that district in the next congress. Mr. Culpeper declines a re-election.

John Giles, esq. of Salisbury, has been announced as a candidate to represent the district composed of the counties of Chatham, Randolph, Davidson and Rowan, in the next congress of the United States.

It is stated that the American minister at Paris, Mr. Brown, and his lady, are both in bad health, and that they will leave Havre on their return to this country, in the course of this or the next month.

The Salem Gleaner states, that a man by the name of McGannon was shot on the night of the 6th instant, by William C. Byrd, in Surry county, near the Shallowford. The causes which led to this unfortunate occurrence are said to be of a domestic nature, and deserving of the severest reprobation. Byrd gave himself up to the proper authority, to await his trial.

A tremendous hail storm occurred in Buckingham county, Va. on the first inst. The largest lumps of hail were about the business of a walnut, and in fifteen minutes covered the ground from two to four inches deep.

The Canadian Giant, who weighs 619 lbs. and is six feet four and a half inches in height, is now exhibiting at Tammany Hall, in the city of New York.

In consequence of the passage by the legislature of New York of a general banking law by which each bank is made, to a certain extent, to be a guarantee for the solvency of every other bank, all the banks in the city of New York have withdrawn their application for new charters.

A stage driver in Delaware has been condemned to pay one hundred dollars for injury caused to another carriage by his improper attempt to drive past it.

Exemplary Damages.—In the case of Candler v. Pettit, for a malicious prosecution in procuring an indictment against the plaintiff for perjury, tried in the Superior Court at N. York, the jury rendered a verdict of 12,500 dollars damages against Pettit.

Twenty-four butcher's stands in Clinton market, New York, were lately sold at auction for 34,200 dollars, subject to an annual rent of 1,720 dollars. The lowest amount of premium was 700 dollars; the highest 3,000—average 1428.33.

Ice Mountains.—The packet ship Nile, on her passage from Havre, in latitude 42.50, longitude 49.51, was surrounded with mountains of ice, from the 24th to the 26th of March, the largest of which was about five miles long and six hundred feet high.

The ravages made by the wars of the revolution and of the empire upon the population and wealth of France, have been estimated according to M. Dupin, at 2,000,000 men, and 2,664,000,000 dollars.

Madam Paste, a vocalist in England, is said to have received during the past year the enormous sum of 17,000 sterling—upwards of 74,600 dollars! This is singing for some purpose.

Among the particulars of the late fire at Augusta, is the following singular occurrence.—An infant of but two weeks old was laid on a bed, and something lightly thrown over it; a stranger, not noticing the child, gathering up the bed threw it and the child together out of the second story window; but the half distracted mother, on running down to his relief, found the little innocent uninjured.

It is said that the woods at the distance of thirty miles, were strewn with burnt clothing, papers, &c.

Mrs. Henry Shultz, John H. Covington, and Andrew J. Dill, have tendered to the unfortunate sufferers by the fire at Augusta, all the vacant houses in Hamburg, amounting to about one hundred, for a twelve months gratuity.

A gentleman of Savannah contributed 500 dollars to the relief of the sufferers, and 1000 dollars were appropriated to the same object by the council of Charleston.

Savannah, April 18.

Another fire broke out in our city yesterday, about 12 o'clock, under such circumstances as to leave no doubt of its having been the work of an incendiary. It was discovered in a stable belonging to Mr. Wiltberger, on the lane north of South Broad street, between Whitaker and Barnard streets, near the Pres-

byterian church. By the timely alarm, and the prompt attendance of the firemen and citizens, the fire was got under, after the stable was nearly destroyed.

Most of the servants, belonging to the neighborhood, were taken to the police office for examination; but we have not heard that any circumstances were elicited which tended to fix suspicion on any particular individual.

Augusta, April 15.

Fire in Greensborough.—By a gentleman from Greensborough, we learn that a fire broke out in that village, on Saturday last, at 2 o'clock, P. M. It originated in a stable, on the S. E. corner of Mr. Longstreet's lot, and soon communicated to an opposite lot across the street belonging to Mr. John Smith, every building on which, amounting to eight or nine, was destroyed. The stable was in the occupancy of Mr. Smith. The fire is supposed to have been the result of design.

Macon, April 11.

Look out for incendiaries!—An attempt was made last evening to set fire to Lamm's ware house. Some scoundrel had kindled a fire in the centre of the building, between the tiers of cotton; and when accidentally discovered, which was about sun down, several bales were considerably injured. Hurling would be too mild a punishment for any body caught in such nefarious business. The ware house on which the attempt was made, is nearly full of cotton, and had the attempt succeeded there can be no calculating the amount of injury that would have ensued.

Telegraph.

Since the destructive fire which occurred in Savannah on the 9th inst., there have been nine different attempts to set fire to that city. The excitement was so great in consequence of these diabolical attempts, that the armed militia were ordered out, the town surrounded, and strict search made for suspicious persons, with what success we have not heard.

Several attempts have likewise been made to fire the city of Augusta and the town of Camden, and those places appear to be in a state of great excitement and alarm.

Fayette Obs.

Natchez, (Mississippi,) March 19.

The notorious outlaw, Bank, belonging to Colonel Bingham, was taken on Sunday night last. He was severely wounded before he surrendered, and died the next morning.

This was, perhaps, one of the most desperate wretches that ever existed. We believe it was during last summer, he killed a slave, belonging to his master, who, with one or two others attempted to take him. Not long since, we understand, he sent word to his master, if he wished to see him, to come to the "Devil's Punch Bowl" and bring his coffin with him. And the very night on which he was taken, was the time he had appointed to take the life of Colonel Bingham's little son, as an act of revenge upon the father.

The frank and open-hearted acknowledgment of the emigrant from near Ireland, in the following article from friend Hagadorn, of the Newark Intelligencer, is really admirable. How many are there, who like honest Teague, "take the paper" without ever saying so much as "Thank ye, sir!"

Another Patron.—"I take yur paper, sir," said an honest Hibernian, on being introduced to the editor of this paper, "and I'll never deny it the longest day I live." "Very well, sir," said the editor, "and how do you get my paper? I do not recollect seeing your name on my book." "How do I get it?" said Teague; "why, to be sure, I borrow it from neighbour Banks."

A Pattern for Duns.—A tradesman wrote to a customer—"Sir, if you will let me have the amount of my bill you will oblige me. If not, I must oblige you."

Stage Robbery.—The trunks of Messrs. B. B. Smith and Rufin Tucker, merchants of this city, who left here on Thursday last for the north, were cut from the stage about half a mile north of Louisburg which being soon discovered, the gentlemen left the stage and returned to the village, engaged a company, and went immediately in search of the thief and trunks. They fortunately apprehended the thief and regained their trunks and contents. The rogue is a free mulatto, and is lodged in Franklin Jail.

Raleigh Star.

An aged Minister.—The Rev. Mr. Bled of Georgetown, preached on Sabbath week in the Presbyterian church, his half century sermon, having been settled over that people for fifty years. Two generations have disappeared before him. Only two individuals are now left who were present at his installation. The whole of Washington has grown up before him; of course, not one of the sixteen churches of this city was in existence at the time he commenced preaching in Georgetown.

Colum. Regis.

Benj. W. Richards has been unanimously elected Mayor of the city of Philadelphia.

MR. CLAY AND THE JERSEY BLUES.

The same meeting of the citizens of Essex and Middlesex, which presented to Mr. Adams a complimentary address on his retiring from office, also forwarded another to Mr. Clay, the late secretary of state. The letter of Mr. Clay is as follows:

Washington, March 9, 1829.

GENTLEMEN: I have received and read with sentiments of deep respect and gratitude the letter which, on the 4th instant, you did me the honor to address to me, as a committee in behalf of a numerous meeting of the citizens of Essex and Middlesex counties in New-Jersey. In the retirement to which you refer, it is gratifying to me to know that I shall carry their kind remembrance, and a testimony to my public services so flattering as that which they have been pleased to render. All human life is exposed to vicissitudes—they are common to republics and to public men. The change which has recently occurred, whatever may have been the impropriety of the means sometimes employed to produce it, has been the consequence of the regular action of our institutions. The will of the majority has been constitutionally expressed. Obedience to it is not merely enjoined from necessity, but is dictated as a positive republican duty. We may regret, but we should acquiesce in it. We should do more—we should merge the passions and the prejudices by which most of us were probably affected while the contest raged, in an anxious

measures. I shall be most agreeably disappointed if these shall be marked by wisdom, and such as to promote the best interests of the country.

Wherever I may be during the residue of my life—whether in private or public station—you and those you represent, gentlemen, may be assured that my heart will beat not less strong than it has heretofore, in the cause of civil liberty; and that those leading interests which have hitherto commanded my zealous exertions, will ever be regarded by me with the greatest solicitude. Among them is that which you have mentioned. Believing, as I sincerely do, that both the constitution, and sound policy, unite in authorizing and recommending the protection of our own industry, against the effects of foreign competition, I should see its abandonment with the deepest regret.

I request, gentlemen, that you will accept for yourselves, assurances of the high respect and esteem of

Your faithful and obedient servant,

H. CLAY.

Messrs. Robert Lee, Jeremiah C. Garthwaite, and John Shotwell, Committee, &c.

MARRIED.

In Granville county, on Tuesday the 7th instant, by the Rev. Willis Harris, Mr. David K. Blackwood, of Orange county, to Miss Tabitha Minor, daughter of John Minor, sen. esq. of Granville county.

Also at the same time and place, Mr. William C. Blackwood, of Orange county, to Miss Martha M. Minor, daughter of Mr. John Minor, jun. of Granville.

DIED.

In this county, on the 21st inst. Mr. Charles M'Cauley, aged 47 years.

NOTICE.

I HEREBY caution all persons from trading for a note given by me some time in January last, and payable the first of January next, to Thos. Davis, of Orange county, which note was obtained by misrepresentation of property sold me, and I am not disposed to pay it.

Daniel M. Dulany.

Onslow county, April 15th. 79—3wp

An adjourned meeting of the citizens of Orange county friendly to internal improvements, will be held at the court house in Hillsborough, on Monday of May court, to consult on measures calculated to promote that all-important object.

April 21. 78—

FOR SALE.

6,000 lbs. BACON, and a quantity of LARD, by
Turner & Phillips.

April 21. 70—3m

State of North-Carolina,
ORANGE COUNTY.
Court of Pleas and Quarter Sessions,
February Term, 1829.

IT is ordered by the Court, that in future, Monday of each term of the court shall be considered and set apart for the transaction of all county business; and that witnesses and jurors be summoned to attend on Tuesday of each term of the court; and that the clerk cause this order to be published for three months in the Hillsborough Recorder.

Test,

J. Taylor, Clerk.

April 14. 77—6w



From the Emerald.

In looking over some old manuscripts, which formerly belonged to our grandfather, we stumbled on the following specimen of continental poetry.

Ed. pro. tem.

Come out ye Continentals!

We're going for to go

To fight the red-coat enemy,

Who're plaguy "cute," you know.

Now, shoulder whoop!—eyes right and dress!

Front!—Davis, wipe your nose;

Port whoop! that's sleek—now, carry whoop;

Mike Jones, turn out your toes,

Charge bag'net!—that's your sort, my boys;

Now, quick time—march! that's right;

Just so we'd poke the enemy,

If they were but in sight.

Half!—shoulder—whoop! stop laughing, Nick;

My platoons—wheel—halt—dress!

Hold up your muzzle on the left,

No talking more nor less.

Bill Sneezer, keep your canteen down,

We're going for to travel;

"Captain—I want to halt a bit,

My shoe is full of gravel."

Ho—strike up, music—for'ard march!

Now point your toes, Rob Rogers;

See yonder are the red-coat men—

Let fly upon 'em, Rogers!

It was thirteen years since my mother's death, when after a long absence from my native village, I stood beside the sacred mound, beneath which I had seen her buried. Since that mournful period, great change had come over me. My childish years had passed away, and with them my youthful character. The world was altered too; and as I stood at my mother's grave I could hardly realize that I was the same thoughtless, happy creature, whose cheeks she had so often kissed in an excess of tenderness. But the varied events of thirteen years had not effaced the remembrance of that mother's smile. It seemed as if I had seen her yesterday—as if the blessed sound of her voice was in my ear. The gay dreams of my infancy and childhood were brought back so distinctly to my mind, that had it not been for my bitter recollection, the tears I shed would have been gentle and refreshing. The circumstance may seem a trifling one—but the thought of it now agonizes my heart—and I relate it that those children who have parents to love them, may learn to value them as they ought.

My mother had been ill a long time; and I had become so much accustomed to her pale face and weak voice, that I was not frightened at them as children usually are. At first, it is true, I sobbed violently—when day after day I returned from school and found her the same, I began to believe she would always be spared to me.

One day when I had lost my place in the class, and done my work wrong side outward, I came home discouraged and fretful. I went into my mother's chamber. She was paler than usual, but she met me with the same affectionate smile that always welcomed my return. Alas! when I looked back through the lapse of thirteen years, I think my heart must have been stone, not to have been melted by it. She requested me to go down stairs, and bring her a glass of water—I pettishly asked why she did not call a domestic to do it. With a look of mild reproach which I shall never forget if I live to be a hundred years old, she said, "And will not my daughter bring a glass of water for her poor sick mother?"

I went and brought her the water, but I did not do it kindly. Instead of smiling and kissing her, as I was wont to do, I set the glass down very quick, and left the room. After playing a short time, I went to bed without bidding my mother "good night;" but, when alone in my room, in darkness and silence, I remembered how pale she looked, and how her voice trembled when she said, "Will not my daughter bring a glass of water for her poor sick mother?" I could not sleep—I stole into her chamber, to ask forgiveness. She had sunk into an easy slumber, and they told me I must not waken her. I did not tell any one what troubled me, but stole back to my bed, resolv-

ed to rise early in the morning, and tell her how sorry I was for my conduct.

The sun was shining brightly when I awoke, and, hurrying on my clothes, I hastened to my mother's room. She was dead!—she never spoke to me more—never smiled upon me again; and when I touched the hand that used to rest upon my head in blessing, it was so cold that it made me start. I bowed down by her side, and sobbed in the bitterness of my heart. I thought then I wished I could die, and be buried with her; and, old as I now am, I would give worlds, were they mine to give, could my mother but have lived to tell me she forgave my childish ingratitude. But I cannot call her back, and when I stand by her grave, and whenever I think of her manifold kindnesses, the memory of that reproachful look she gave me, will bite like a serpent, and sting like an adder."

THE MOCKING BIRD.

Mr. Rennie, in an article on American song birds, in the January number of the Magazine of Natural History, has an interesting account of the mocking bird, which he says seems to be the prince of all song birds, being altogether unrivalled in the extent and variety of his vocal powers; and besides the fullness and melody of his original notes, he has the faculty of imitating the notes of all other birds, from the clear mellow tones of the wood thrush to the savage scream of the bald eagle. In measure and accent he faithfully follows his originals, while in force and sweetness of expression he greatly improves upon them. His own notes are bold and full, and varied seemingly beyond all limits. They consist of short expressions of two, three, or at most five or six syllables, generally expressed with great emphasis and rapidity, and continued with undiminished ardor for half an hour or an hour at a time. While singing he expands his wings and his tail, glistening with white, keeping time to his own music, and the buoyant gaiety of his action is no less fascinating than his song. He often deceives the sportsman, and even birds themselves are sometimes imposed on by this admirable mimic. In confinement he loses little of the power or energy of his song. He whistles for the dog; Caesar starts up, wags his tail, and runs to his master. He cries like a hurt chicken; and the hen hurries about, with feathers on end, to protect her injured brood. His imitation of the brown thrush are often interrupted by the crowing of cocks; and his exquisite warblings of the blue bird, are mingled with the screaming of swallows or the cackling of hens. During moonlight, both in the wild and tame state, he sings the whole night long. The hunters, in their night excursions, know that the moon is rising the instant they begin to hear this delightful solo. His natural notes partake of a character similar to those of the brown thrush, but they are more sweet, more expressive, more varied, and uttered with greater rapidity.

A THANKSGIVING TURKEY.

An ingenious contriver of ways and means, residing hereabouts, some twenty years ago, being in want of a turkey wherewith to be thankful according to law, on the last Thursday in November, set his wits to work to procure one without labour, love or money. Turkeys, as every body knows, are fond of an apple tree for their couch, and our hero, going in the stillness of the night, singled out a fine fat gobbler from a tree full belonging to one of his neighbors. While reconnoitering the roost, he heard the feathered bipeds say very distinctly, "Quit, quit, quit," but considering these as mere words of course, he did not regard them a feather, but taking a bit of red yarn from his pocket, he made it fast to the right leg of his intended prize, and retired without further alarming the brood, or at all disturbing their owner. The next day he went to his neighbor's house, with the following interrogatory: "You haven't seen no stray gobbler here, have you?" The neighbor answered that he had not; but that there might possibly be one amongst his turkeys; and asked the other if he should know the turkey on seeing him. "O yes," said the wily man of inventions, "I should know him very well, by a bit of red yarn he had on his right leg." Accordingly the whole flock of turkeys were assembled, and the man deeply regretting his loss, and declaring he would not have taken a silver dollar for the bird, began to examine the whole lot. "Gobble! gobble! gobble!" said an indignant

turkey, taller than the rest by a head. "Ah! that's he," said the man, springing up as he spoke, "that's the very identical fellow; don't you see he has got the mark on?" "Well, so he has, sure enough," said the honest neighbor, taking two quids of pig-tail in three seconds—and yet, I'll be darn'd and roasted alive, if he doesn't look as much like a gobbler of mine as two white beans! However, as the critter belongs to you, why, you must have him, that's all." He said no more, but caught the turkey, and handed him over (as he verily supposed) to the rightful claimant. The other thanked him for his trouble, and after inviting him to come and take a thanks giving supper with him, and telling him he should be as welcome to a bit of the turkey as though it was his own, he marched off triumphantly, with his prize under his arm, and a laugh in his sleeve.

Berkshire American.

LIST OF LETTERS.

Remaining in the Post Office at Hillsborough, on the 1st of April, 1829.

A	Susanna Jackson
Joseph Armstrong	K
David Allison	James A. King
Archibald A. Austin	Joseph Kirkpatrick
John H. Atkins	Benjamin Kidd
B	F. J. Kron 2
Jehu Bird	L
Caroline A. Burgwin	Richard Ledbetter
Richard Breeze	John B. Lewis
Frederick Baynes	Martin Lockhart
Joshua Berry	3
Hellen D. Bond	James Moore
Henry Boyle 2	Richard Marcom
Abigail Brown	James Mebane 2
William Bowls	John A. Mebane
C	Willie P. Mangum
Benjamin Crutchfield	James Miles
Samuel Child	N
Hay Copley	John Newlin
Sintha Clemmons	P
James Clark	Nathaniel J. Palmer
Blake & Clayton	M. A. Patrick
Lender Camel	Hannah Porter
Jesse Channes	Mr. Peacock
Nash & Cole	John Payne
Richard Christmas	John Porterfield
Duncan Cameron	Tempy Primrose
Richard Clinton 2	William Pipes
William Clark	R
James Cole	Nathaniel Revels
John W. Clark	Federick Reeves
Burrows Cheek	John Roberts
D	William Rainey
Anthony Dougherty	George Roads
F	S
Mary Furcerson	Presley H. Swinney
Thomas Faucett	William Strayhorn
Stephen Frontis 2	Gibert Strayhorn
Sally Flint	Sherrif Orange County
Thomas Faddis	Hickman S. Slayton
James Fawcett	Clerk Superior Court
G	John Stockard 2
Elijah Graves	John Stephens
Catherine Gutch	Joseph Shaw
Western R. Gales	T
David George	Thomas Thompson 2
Wm. W. Gantt	John Taylor 2
H	Joshua Turner
John Horn	Rebecca Thompson
F. L. Hawks 3	Robert Tinnin
Andrew Hunter	John Turner
Nathaniel Hicks 3	W
Daniel Herring	Thomas Watts
Michael Holt	James Ward
Winifred Hardee	John Workman jr.
James Horn	Rebecca Watson
Canady Horton	Anson G. Williams
J	William Werritt
Samuel Johnston 2	Patrick H. Winston
Stephen Justice	Y
Benoni Jackson	Joel Yancey
Jesse James	David Yarbrough 2
Edward Jones	R. L. Cook, P. M.
Mr. Justice	April 7. 76

State of North Carolina, ORANGE COUNTY, In Equity.

Adam Wright and wife, } Petition for sale and others, ex parte. } land.

PURSUANT to a decree of the Court of Equity for said county, made in the above cause, at March term last, I shall expose to public sale, to the highest bidder, on a credit of one and two years, before the court house door in Hillsborough, on Tuesday the 26th day of May next, the same being the week of the County Court, the following tract of land, belonging to the heirs of Henry Wright, deceased, containing two hundred and twenty acres, more or less, lying and being on Rock Creek, in Orange county. Bond and approved security will be required.

J. Webb, c. m. e. 73—

GENERAL MARION.

The celebrated horse GENERAL MARION, will stand the ensuing season at my stable, in Halifax county, about one mile south of the town of Halifax, and will cover mares at thirty dollars the season, payable 1st January next, twenty dollar the single leap, and fifty dollars to ensure, payable when the mare is in foal. Fifty cents to the groom in all cases. Feeding of mares paid when taken away. The season will terminate 1st August next. The best possible care will be paid mares that are left with the horse, at twenty-five cents per day; but no responsibility for accidents or escapes.

General Marion's great blood, performance on the turf, and celebrity as a foal-getter, are sufficient recommendations.

Nicholas M. Kenie Long. 75—3wp

FOR SALE, A few likely Negroes,

Inquire of Thomas Clancy. 74—

NORTH-CAROLINIAN

Will stand the ensuing season, at my stable in Hillsborough. For particulars see the bills.

Josiah Turner. 66—

PRICES CURRENT.

	Wilmington, April 23.	Fayetteville, April 23.	Newbern, April 18.	Petersburg, April 17.
Brandy, Cogniac, - - - -	gall. 100 a 120	cts. 150 a 175	cts. 150 a 175	cts. 125 a 200
Apple, - - - -	35 37	40 45	36 40	45 75
Peach, - - - -	7 8	50 60	75	45 75
Bacon, - - - -	22 25	20 22	20	22 25
Beeswax, - - - -	15	15 30	20 25	12 25
Butter, - - - -	13 14	13 16	13 15	12 17
Coffee, - - - -	bush. 65	45 50	28 32	45 50
Corn, - - - -	lb. 8 8 1/2	7 8	8 8	7 9
Cotton, - - - -	15 16	14	15	12 15
Candles, mould, - - - -	bush. 85	70 80		
Flaxseed, rough, - - - -	bbl. 800	525 625	800 850	650 1000
Flour, - - - -	lb. 25	25 28	30 35	
Feathers, - - - -	gall. 100 110	125 150	125 150	100 125
Gin, Holland, - - - -	40 45	50	38 40	35
Country, - - - -	ton. 100			10250 11500
Iron, - - - -	lb. 8	6	6 7	6 7
Lard, - - - -	150 175	250 300		150 200
Lime, - - - -	gall. 30 33	32 33	30 32 1/2	33 37 1/2
Molasses, - - - -	8 9	8 10	7 8	
Nails, Cut, assorted, - - - -	bush. 25	30		
Oats, - - - -	725 800			550 600
Powder, American, - - - -	125	125 150	150 125	180 200
Rum, Jamaica, - - - -	110 112	70 80	90 95	100 150
West India, - - - -	35	45 50	40 42	36 37 1/2
New England, - - - -	cwt. 300	350 400	300 325	400 500
Rice, - - - -	1000 1100	900 1000	700 750	700 750
Shot, - - - -	75 80	80 100	70 75	
Salt, Liverpool, - - - -	bush. 50	80 90	55 60	
Tark's Island, - - - -	cwt. 900 1000	875 1000	900 1000	700 1300
Sugar, Brown, - - - -	lb. 20 25	18 25	18 25	
Loaf, - - - -	150 175	160 180	125 150	
Tea, Imperial and Gunpowder, - - - -	120	125 150		
Hyson, - - - -				100 125
Young Hyson, - - - -	cwt. 400	250 300		350 1100
Tobacco, - - - -	lb. 8 9	8 9	10	
Tallow, - - - -	bush. 100	100	100 120	
Wheat, - - - -	gall. 30 33	22 25	35	30 33
Whiskey, - - - -	250 400	300 400	250 500	
Wine, Madeira, - - - -	150 175	160 200		
Teneriffe, - - - -	160 225	200 250		
Sherry, - - - -	200 380			
Port, - - - -	70 80	100 120		
Malaga, - - - -				

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"New subscribers are furnished with the miniature portraits of Shakespeare, Byron, Scott, Campbell and Moore, engraved expressly for this work. Portraits of American authors, in a similar style, will also enrich this volume. A specimen of the above work may be seen at this office.

March 11. 76—

State of North Carolina, ORANGE COUNTY Court of Pleas and Quarter Sessions, February Term, 1829.

Thomas Scott, assignee, } vs. Francis L. Hawks }

UPON motion of the plaintiff, by his counsel, it appearing to the court that the defendant is not an inhabitant of this state, it is ordered by the court, that a judicial attachment issue and be levied on the effects of said defendant, and that the same be advertised in the Hillsborough Recorder, for six weeks successively, for the defendant to appear and plead thereto, or judgment will be rendered against him at the next term of this court.

Test, J. Taylor, c. c. e. Price Adv. \$2 50. 72—6w

GRAPE VINES.

MR. BLODGET presents his compliments to the public, and informs them that he has procured fifty-two sort of Grape Vines the spontaneous growth of the United States, Among the best favored for making wine equal to the best Madeira, is the Scuppernon. He likewise informs the public that he has located a Vineyard in the vicinity of the city of Raleigh, on the stage road leading to Chapel-Hill, where he will furnish slips in the greatest quantity to those who may wish them.

January 13. 64—

HILLSBOROUGH, N. C.

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WANTED.

As an apprentice to the Boot and Shoe making business, a lad fifteen or sixteen years of age, of industrious habits.

Charles L. Cooley.

April 14. 71—

State of North-Carolina, CHATHAM COUNTY, Court of Pleas and Quarter Sessions, February Term, 1829.

John Lindley, and others, } Petition for partition of land. } Charles Millikan and wife, } and others. }

IT appearing to the court, that Charles Millikan and his wife, two of the defendants in this case, are not inhabitants of this state, it is therefore ordered, that publication be made for six weeks successively in the Hillsborough Recorder, for the said Millikan and wife to appear at the next Court of Pleas and Quarter Sessions, for Chatham county, to be held at Hillsborough, on the second Monday of May next, then and there to answer, plead or demur to the said petition, or the same will be taken as confessed against them.

Test, Thos. Ragland, c. c. e. Price Adv. \$2 75. 73—6w

State of North Carolina, ORANGE COUNTY, In Equity.

Elizabeth Marshall, widow, and } Petition for sale of land } Mary Marshall and others, children of Thomas Marshall, dec'd. }

PURSUANT to a decree of the Court of Equity, made in this cause at March term last, I shall expose to public sale, before the court house door in Hillsborough, on Tuesday the 26th day of May next, (the same being County Court week) the following tract of land, belonging to the heirs of the late Thomas Marshall, deceased, lying on Rock Creek, opposite the waters of Sinking Quarter, in part of the county, containing by estimation two hundred and thirty-eight acres, more or less. A credit of twelve months will be given. Bond and approved security required.

J. Webb, c. m. e. 73—

State of North Carolina, ORANGE COUNTY, In Equity.

John Hicks and others, } Petition for sale of } ex parte. }

PURSUANT to a decree of the Court of Equity, for Orange county, made in the above cause, at March term last, I shall expose to public sale, to the highest bidder, on a credit of one and two years, before the court house door in Hillsborough, on Tuesday the 26th day of May next, (the same being County Court week), the following tract of land, belonging to the heirs of the late William Hicks, deceased, lying and being in said county, on the waters of Eno River, adjoining the lands of John Walker, John Roberts, Joseph Allison and others, containing three hundred and forty-nine acres, after laying off the widow's dower. Bond and approved security will be required.

J. Webb, c. m. e. 73—